

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

DOCKET NO. 3:17-CR-55-RJC

UNITED STATES OF AMERICA,

v.

(1) JOSHUA LANE ELLIS

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**ORDER
OF FORFEITURE
(*NUNC PRO TUNC*)**

THIS MATTER is before the Court on the government's Motion for Order of Forfeiture, nunc pro tunc. (Doc. No. 85).

In the Superseding Bill of Indictment in this case, the United States sought forfeiture of the Defendant as property which constitutes or is derived from proceeds obtained directly or indirectly as result of the violations set forth in the Superseding Bill of Indictment, which would be subject to forfeiture under 18 U.S. C. §§ 981(a)(1)(C) and 982, 28 U.S. C. § 2461 and 21 U.S.C. § 853 (p). (Doc. No. 31 at 3).

Defendant entered into a plea agreement, subsequently pled guilty to the conspiracy to distribute a controlled substance in Count One in the Superseding Bill of Indictment, and was adjudged guilty of the offense charged in that count. (Doc. No. 38: Plea Agreement; Doc. No. 40: Acceptance and Entry of Guilty Plea). In the plea agreement Defendant agreed to forfeiture of assets as described below,

IT IS, THEREFORE, ORDERED:

1. Based on Defendant's plea of guilty, written plea agreement, stipulated factual basis and admission of the illegal acts alleged in Counts One, of the Superseding Bill of Indictment, the

Government has established the requisite nexus between the property and such offenses, as applicable. The United States is authorized to seize the following property belonging to Defendant, and it is hereby forfeited to the United States for disposition according to law, provided, however, that such forfeiture is subject to any and all third party claims and interests, pending final adjudication herein:

A forfeiture money judgment in the amount of \$30,000, such amount constituting the proceeds that Defendant personally obtained as a result of the offense/s to which Defendant has pled guilty. Defendant stipulates that the Government may satisfy the money judgment via forfeiture of proceeds and/or substitute property as defined in 21 U.S.C. § 853(p). For purposes of forfeiture under Section 853(p), Defendant stipulates that, as a result of acts or omissions of Defendant, one or more provisions of Section 853(p)(1)(A)-(E) are satisfied.

2. Once the Order of Forfeiture is entered, the Government may move at any time, pursuant to Rule 32.2(e)(1)(B), to amend the Order to forfeit other specific property of the defendant, having a total value up to the amount of the money judgment, as substitute property.

3. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n). If no third parties file petitions, this Order will become final by operation of law pursuant to Fed. R. Crim. P. 32.2(c)(2).

Signed: March 27, 2018



Robert J. Conrad, Jr.
United States District Judge

